

**LEON VALLEY CITY COUNCIL**

**MONDAY, FEBRUARY 10, 2014**

**LEON VALLEY CITY COUNCIL CHAMBERS  
6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238**

**MINUTES**

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**Ceremonial Items – 6:45 p.m.**

Proclamation in recognition of contributions to the City of Leon Valley by the Bethel Covenant Assembly of God

**MAYOR & COUNCIL PRESENT:** Chris Riley Ricardo Ruiz, Art Reyna, Abraham Diaz, Jack Dean, Paul Biever

**STAFF PRESENT:** Manuel Longoria, City Manager; Crystal Caldera, HR Director; Leticia Callanen, Interim City Secretary; Kristie Flores, Community Development Director; Claudia Mora, Economic Development Director; Melinda Moritz, Public Works Director; David Dimaline, Assistant Public Works Director, Luis Valdez, Fire Chief; Randall Wallace, Police Chief; Vickie Wallace, Finance Director; Charlie Zech, City Attorney.

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**Regular City Council Meeting Agenda – 7:00 p.m.**

Mayor Riley called the Regular City Council meeting to order at 7:00 P.M., after determining a quorum. Mayor Riley dedicated the meeting to Mr. Bill Sinkin, a “visionary” who recently passed away, and asked Scout Troup 17 to lead the Pledge of Allegiance.

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**Item 3      Citizens to Be Heard and Time for Objections to the Consent Agenda.**

Ms. Lynn Joseph, 6423 Trotter Lane, requested clarification on the citizens to be heard procedures.

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Item 7 a. was pulled by Councilman Biever from the consent agenda to be considered as an individual agenda item.

A motion was made by Councilman Ruiz to approve the Consent Agenda, except for 7a. The motion was seconded by Councilman Reyna. The motion was approved by consensus vote.

## CONSENT AGENDA

- Item 4** Approval of the January 13, 2014, City Council Minutes. (Callanen)
- Item 5** Approval of a resolution ordering a General Election to be held May 10, 2014. **M&C 2014-02-10-05** (Callanen) [*Aprobación de resolución que ordena que se lleven a cabo Elecciones Generales el día 10 de mayo del 2014.*]
- Item 6** Approval of a Memorandum of Understanding with Bexar County Elections Department for the conduct of the May 10, 2014 General Election. **M&C 2014-02-10-06** (Callanen)
- Item 7** Tier II Board and Commission Appointments **M&C 2014-02-10-07** (Callanen):
- b. Appointing Ms. Jackie Walton to the Parks Commission.
- Item 8** Tier III Board and Commission Appointments **M&C 2014-02-10-08** (Callanen):
- a. Appointing Ms. Sylvia Stein to the Earthwise Living Committee.
  - b. Appointing Ms. Jackie Walton to the Community Events Committee.
  - c. Appointing Mr. Travis Nelson and Mrs. Cathy Nelson to serve  
on the Community Events Committee.
- Item 9** Approval of an ordinance authorizing a Budget Adjustment in the amount of \$52,400.00 for Detention Pond Construction at the Silo Property located on Huebner Road. **M&C 2014-02-10-09** (Moritz)
- Item 10** Approval of Quarterly Investment Report for the Quarter ending September 30, 2013. **M&C 2014-02-10-10** (V. Wallace)
- Item 11** Consideration of an amendment to Ordinance #99-01 adopting a prevailing wage for use on the Municipal Facilities Capital Project. **M&C 2014-02-10-11** (Longoria)

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**Item 7a.** Tier II Board and Commission Appointments **M&C 2014-02-10-07**  
(Callanen):

- a. Appointing Ms. Monica Alcocer to the Parks Commission.

At this time, Councilman Art Reyna requested that Council recess into Executive Session for the purposes of discussion of agenda item 7a. At approximately 7:08 p.m. City Council convened into Executive Session, as authorized by the Texas Government Code, Sections 551.071 (Consultation with Attorney).

Mayor Chris Riley reconvened the Regular City Council Meeting at 7:15 p.m. and stated that no action had been taken while in Executive Session.

Councilman Paul Bieber made a motion to drop the nomination of Ms. Monica Alcocer to the Parks Commission. Councilman Ruiz seconded the motion.

Councilman Paul Bieber explained that his opposition to the nomination rests with the fact that there has been a threatened libel suit against certain members of City Council, and he stated that it is in the best interest of the City that she not be considered.

Councilman Art Reyna asked City Attorney Charles Zech if the four (4) members of City Council included in this lawsuit have a conflict of interest in voting on this matter, to which Mr. Zech responded in the negative.

A roll call vote was taken. Voting Aye: Councilman Ruiz, Councilman Reyna, Councilman Dean, and Councilman Bieber. Voting Nay: Councilman Diaz. The motion passed.

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**REGULAR AGENDA**

**Item 12** Consideration of an ordinance determining the route configuration for the Huebner Creek Hike and Bike Trail. **M&C 2014-02-10-12** (Moritz)

Ms. Melinda Moritz, Director of Public Works, introduced Mr. Jess Swaim, P.E., who provided an overview of the route configuration options for the Huebner Creek Hike and Bike Trail. Mr. Swaim also discussed the project schedule.

Mayor Chris Riley discussed a meeting held with Sid Martinez, and explained that the project is being moved from budget year 2014 to 2015. With this move, the Mayor stated that the City now has until September 2015 to break ground.

Discussion then ensued regarding the length of the trail and whether any savings could be achieved from this altering of the plan - utilizing cost saving materials, or using in-house resources to do portions of the work.

Further, discussion ensued regarding the availability of funds for the second half of the project. City Manager Manuel Longoria Jr. explained that while efficiencies and cost savings might be achieved, any realized savings would go back to TXDoT, not the City.

Councilman Paul Biever expressed his support of moving forward with the plan, and discussed his experience talking to park users and that the majority didn't realize that that natural area property exists, but would like to utilize a trail system. Concerns about disability access were voiced as a concern of the people he spoke with.

Councilman Dean spoke to his support of the project and emphasized that any delay in a decision may cause more cost increases.

Councilman Diaz expressed concern over having to go back to the citizens to request additional funding to complete the project.

*At this time, those citizens who signed up to speak were given the opportunity to do so.*

Mr. Noel Sauer, 7115 Forest Brook, voiced his opposition to this ordinance, and to the project.

Mr. Darby Riley, 6939 Forest Way, asked questions regarding the impact on the existing park, the use of existing City trails, and voiced his concern with heavy bike traffic, SAWS sewer line work, trees, and funding issues.

Mr. Al Uvietta, 6923 Sunlight Drive, spoke to his background with this project and in support of the concept, and to the issue of ensuring ADA compliance since the City is using grant funds.

Councilman Reyna requested clarification on the proposed action requested in the ordinance. City Manager Longoria explained his understanding of the meeting that occurred with the MPO, and stated that the TIP follows a two-year Federal Fiscal Year, which began October 1, 2013 and ends September 30, 2014. When the City presented the schedule that lists the contract to be let November 2014, this effectively makes the project fall under the next Fiscal Year, or FY 2015. However, if we were to let the contract in September 2014, it would fall within their current budget schedule.

Councilman Reyna expressed his desire to keep the project on the 2014 STP-MM project schedule, so, that the contract could be let before October 1 in order to keep it in the current fiscal year.

Discussion ensued regarding the timing of the project and funding constraints and concerns over future funding for future road projects from the MPO.

Councilman Reyna made a motion to approve the ordinance to establish the route configuration as illustrated in Exhibit A and delay a portion of the trail as illustrated in Exhibit B, and strike items 3 and 4 from the proposed ordinance regarding the (3) movement of the project from the San Antonio-Bexar County Metropolitan's 2014 STP-MM project year to 2015, and (4) the effective clause, emphasizing, keeping the project on the 2014 STP-MM project schedule. Councilman Dean Seconded the motion.

*Referenced section of ordinance:*

1. The Hike & Bike trail alignment will be as proposed in Exhibit A.
2. The proposed portion of the trail below the Bandera Road (SH16) bridge, from El Verde Road to Shadow Mist, as depicted in Exhibit B, be moved to the creek bed and delayed until such time as the property is conveyed to the City.
3. ~~The project be moved from the Metropolitan Planning Organization's 2014 STP-MM project year to the year 2015.~~
4. ~~This ordinance shall become effective on and after its passage, approval, and publication, as prescribed by law.~~

City Manager Manuel Longoria Jr. stated that in order to accomplish this action, it would require us to expedite our schedule. Council discussion then ensued with the Project Manager, Mr. Jesse Swaim, P.E..

At this time, the motion was considered for a vote. Voting Aye: Councilman Ruiz, Councilman Reyna, Councilman Diaz, Councilman Dean, Councilman Biever. Voting Nay: None. The motion was passed.

**Item 13.** Approval of the Comprehensive Annual Financial Report (CAFR) For Fiscal Year 2013. **M&C 2014-02-10-13** (V. Wallace)

Ms. Vickie Wallace, Finance Director, introduced Ms. Janet Pitman, CPA, representing Alonzo, Bacarisse, Irvine & Palmer, the auditing firm who conducted the 2013 comprehensive annual financial report for the City.

Ms. Pitman provided a thorough presentation of the audit findings which illustrated financial highlights, including:

- Government-Wide Financial Statements
  - Assets of the City exceeded its liabilities by \$13 million at September 30, 2013.
  - Governmental activities net position increased by \$2,285,970.
  - Governmental activities revenue increased \$1,646,728 and expenses decreased \$317,203 from the 2012 fiscal year.
- Fund Financial Statements

- The General Fund's fund balance at the end of the 2013 fiscal year was \$3,652,107 and the combined fund balance for all funds was \$13,486,597
  - Fund balance for the general fund increased \$336,666. The increase is the result of higher than expected ad valorem collections, contributions for capital improvements and personnel vacancies.
  - The water and sewer fund net position increased by \$37,145 to \$6,763,718 for the fiscal year.
  - Increase to net position is the result of rate increases during the year.
- (The complete CAFR is on file with the papers of this meeting.)*

A motion was made by Councilman Biever to approve the Comprehensive Annual Financial Report (CAFR). Councilman Reyna seconded the motion. The motion passed by consensus vote.

**Item 14** Consideration of an ordinance approving an amendment to the Bartlett Cocke Construction Contract: Providing authorization for the City Manager to commit to a Guaranteed Maximum Price (GMP) for the Construction of the Municipal Offices, Police Station and Fire Station, in an amount not to exceed \$6,736,460. **M&C 2014-02-10-14** (Longoria)

City Manager Longoria provided a presentation regarding the proposed action to approve an amendment to the Bartlett Cocke Construction contract, providing for the construction of the Municipal Offices, Police Station and Fire Station.

The City Manager provided background on the process. The GMP is set at \$6,736,460. Any cost overruns would be on the contractor to absorb, and if there are any savings realized, then the project gets reimbursed. Current budget vs. initial project budget, gap exists of \$367,144, resulting from various inflationary issues, such as the Eagle Ford Shale (EFS) and its impact on costs and availability of resources. Mr. Longoria introduced Tim Martin from Bartlett Cocke who will be the Project Manager.

Councilman Dean made a motion to approve the ordinance. Councilman Biever seconded the motion. The motion was approved by consensus vote.

**Item 15** Consideration of an ordinance accepting the lowest responsive bid and awarding a construction contract to R.L. Rohde General Contractors for the construction of the gateway monuments. **M&C 2014-02-10-15** (Flores)

Ms. Kristie Flores, Director of Community Development, provided an overview of the proposed action which was twofold: to award the bid to R.L. Rohde General Contractors, and to authorize the contract.

Ms. Flores provided an overview of the bids received, the scope of work- which includes lighting, landscaping and necessary drainage- with a timeline for completion of approximately 90 days.

Councilman Diaz asked about a proposed timeline for executing the Callaghan Road monument project. In response, Ms. Flores explained that options for other locations for smaller monuments would be explored after the completion and installation of these gateway monuments on Bandera.

Councilman Reyna made a motion to approve. Councilman Ruiz seconded the motion. The motion passed by consensus vote.

**Item 16** Authorize the City Manager to enter into a Franchise Fee Agreement with CPS Energy. **M&C 2014-02-10-16** (Longoria)

City Manager Manuel Longoria Jr. provided an overview of the agreement which was achieved through a joint negotiation process with other suburban cities, for use of the CIED funds. City Manager Longoria noted, in January 2014, CPS Energy offered suburban cities an additional .5% franchise fee effective February 1, 2014. Funding for the additional .5% will come from capital funds previously made available through the now terminated CIED Fund program to fund electric and gas infrastructure projects in suburban cities. Further, CPS has made it clear that the additional 1.5% franchise fee will be recovered through CPS Energy's base rates for all customers under the current system, not surcharged to individual city customers. City Manager, Longoria continued



by adding, if approved the additional 1% will be deposited in the General Fund and the .5% will be deposited in the CIED Fund to be used for capital projects. City Manager Longoria pointed out that the effect of the passage of this franchise agreement is that all other 21 cities involved with CPS will benefit from this agreement.

Mayor Riley recognized former Mayor Baldrige for her leadership when this came up for review over the last four years.

Councilman Reyna made a motion to approve franchise agreement as outlined in **M&C #2014-02-10-16**. Councilman Dean seconded the motion. The motion passed by consensus vote.

**Item 17** Consideration of a resolution establishing Guidelines for the Coffee with Mayor and Council events. **M&C 2014-02-10-17** (C. Zech)

City Attorney Zech provided background to the request by the Mayor to provide guidelines for the Coffee with the Mayor and Council monthly events. Discussion ensued with regard to addressing questions that arise from the meetings and suggestions were made as to tracking the items that are presented at the meeting. City Attorney Zech discussed the need to start the practice of transcribing notes and having those notes entered into the City Council agenda packets.

Further discussion ensued regarding the types of topics that would need to be posted for discussion and compliance with the Texas Open Meetings Act.

Mr. Zech discussed the need for Council to self-regulate in order to remain in compliance with the Texas Open Meetings Act. In response to a suggestion proposed by Councilman Diaz, Mr. Zech stated that there could be a time at which the council could deliberate whether an issue gets placed on a future City Council Meeting agenda.

Councilman Reyna made a motion to approve the proposed guidelines. Councilman Diaz seconded the motion. The motion passed by consensus vote.

*(The complete guidelines are on file with the papers of this meeting.)*

**Item 18** Consideration of a resolution designating the City Council as the Crime Control & Prevention District Board. **M&C 2014-02-10-18** (R. Wallace)

Police Chief Randall Wallace provided an overview of the Crime Control and Prevention District actions to date, and summarized the specific actions that needed to be approved today to authorize a resolution designating the City Council as the Crime Control and Prevention District Board.

Councilman Dean made a motion to approve. Councilman Reyna seconded the motion. The motion was approved by consensus vote.

**Item 19** Recess the Regular City Council Meeting and Convene a meeting of the Leon Valley Crime Control & Prevention District. **M&C 2014-02-10-19** (R. Wallace)

At 9:26 p.m. the City Council recessed the Regular Council Meeting and convened into the newly designated Crime Control and Prevention District Board meeting. The Crime Control and Prevention District Board Meeting Minutes are attached for reference and will be approved at the next Crime Control and Prevention District Board Meeting. The City Council Meeting reconvened at 9:31 p.m.

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**Item 20** City Manager's Report

- a. Staff update on Feral Cat Pilot Program: The update was provided by Chief Wallace. He stated that the program is being utilized by residents and expressed his appreciation. He concluded that the training session held by the Feral Cat Society of San Antonio had much interest.
- b. Staff update on DPS Traffic Improvements and Traffic Study: The update was provided by City Manager Longoria. He stated, that the City continues to work with the owner of the building, Mr. Williamson, to improve any issue related to traffic improvements. City Manager Longoria did specify that the delineators have been done and signage into the building has been completed. The City continues to focus on working with TxDOT to upgrade the traffic signals in that intersection, pointing out that the schedule is driven by TxDOT. The City Manager reminded Council that a traffic study is to be completed at the one year anniversary, as per the Development agreement.

Discussion ensued about the timing of the traffic study. Mr. Longoria stated that in a previous assessment an improvement to the traffic signal is not necessarily going to impact the traffic flow. Discussion continued about directional signs, City Manager Longoria stated that Public Works Director Melinda Mortiz and DPS are meeting about a pole sign. The pole should be near Redbird Lane. We are doing what we can to get this expedited. The Certificate of Occupancy is still pending, but near issuance. The outfall line is completed, but waiting on the correction of some silt build up.

- c. Update on Huebner Creek LC-17 Project: City Manager Longoria, mentioned that the County intend to break ground in June 2015. He continued by informing Council that, the tree preservation variance request had been reviewed internally through the Community Development Department, and has been approved as prescribed by City Council in January 2014. He did point out that the intention, is not a mass tree cutting, and they were also able to get their permit approved by the Core of Engineers. City Manager Longoria mentioned that the County will be replanting trees, and the City will continue to encourage them to keep more trees than they are considering. They will not be removing any trees in our area until June 2015, which will allow staff time to identify heritage trees. Another concept, would be to set up a tree preservation fund to aid in tree preservation. Mayor Riley asked if the County will present the City with a plan. City Manager Longoria responded "yes" that was part of their submission and their survey identified an estimated 70 heritage trees.

**Item 21**

Citizens to be Heard.

*There were no citizens wishing to address the City Council at this time.*

**Item 22**

Announcements by the Mayor and Council Members. At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

- Councilman Abraham Diaz, announced an issue that was presented to him by Ms. Heidi Bowers at a Coffee with the Mayor & Council, about the sale of animals. As a result, a pet adoption day will be held on March 8<sup>th</sup> at Pet Barn, from 12 to 3:00 p.m. Further, he thanked Fire Chief Luis Valdez & Police Chief Randall Wallace for allowing him to ride along during a shift.
- Councilman Paul Biever congratulated Councilman Ricardo Ruiz for his award for best mustache.
- Mayor Chris Riley reminded the audience about the
  - Groundbreaking Ceremony February 11, 2014.
  - Basura Bash February 22, 2014, which is organized by Public Works in memory of Bob Tome.
  - Earthwise Living Day March 1, 2014
  - Seniors arts and crafts rummage sale March 8, 2014


Further the Mayor thanked staff and Mike De La Garza for a successful Town Hall Meeting.

**Item 23** Executive Session. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

*No Executive Session took place at this time.*

**Item 24** Adjourn. 9:59 p.m.

  
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Mayor Chris Riley

  
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Interim City Secretary Crystal Caldera